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ATTORNEYS FOR PLAINTIFFS AND THE CLASS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO, CALIFORNIA

CHRISTINE A. CUMMINGS; *et al.*, ON BEHALF OF
THEMSELVES AND THE CLASS THEY
REPRESENT,

Plaintiffs,

V.

KATHLEEN CONNELL, Controller, State of California; *et al.*,

Defendants.

CASE NO. CIV-S-99-2176 WBS DAD

**[PROPOSED] NOTICE OF MOTION FOR
AWARD OF ATTORNEYS' FEES, COSTS
AND EXPENSES PURSUANT TO 42
U.S.C. § 1988**

HEARING DATE: Monday, November 27, 2006

TIME: 1:30 p.m.

**COURTROOM OF JUDGE SHUBB,
COURTROOM 5, 15TH FLOOR**

TO ALL CLASS MEMBERS IN THE ABOVE-CAPTIONED CASE:

PLEASE TAKE NOTICE that Plaintiffs in the above-captioned case, Christine A. Cummings, *et al.*, will move the Court for an award of attorneys' fees, costs, and expenses incurred in litigating the case. The motion will be heard on November 27, 2006, at 1:30 p.m., or as soon thereafter as possible, in the courtroom of the Honorable William B. Shubb, located at 501 "I" Street, Sacramento,

1 California, Courtroom 5, 15th Floor.

2 The motion, which is based on 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 23(h),
3 requests a total of \$125,000.00 in attorneys' fees and costs to counsel for Plaintiff and the class
4 Plaintiffs represent, as the Court previously certified in this action. This amount was computed by
5 multiplying the hourly rates of Class Counsel by the number of hours they reasonably devoted to the
6 litigation (after eliminating a substantial number of hours through the exercise of billing judgment),
7 and by adding the statutory costs and out-of-pocket litigation expenses they incurred in the litigation.
8 This amount is sought from Defendant Service Employees International Union, Local 1000 ("SEIU
9 Local 1000"), not from any of the class members, nor will it come out of any recovery to any of the
10 class members. The Defendant does not object to the request for \$125,000.00 in attorneys' fees and
11 costs, as requested in the motion, based upon a settlement between the parties. The amount is divided
12 as follows: \$115,000 for work performed prior to the Ninth Circuit's amendment of its mandate on 24
13 April 2006, and \$10,000 for work performed and expenses needed to negotiate the settlement, address
14 matters on remand, including distribution of nominal damages (in the amount of \$1.00, enclosed
15 pursuant to the agreement of the parties), to pursue this award, and to close the case.

16 This notice summarizes Plaintiffs' Motion for attorneys' fees. More information regarding the
17 Motion and the litigation are contained in a memorandum and appended documents which have been
18 or will be filed with the Court. A copy of these documents can be obtained by writing to Class
19 Counsel at the address provided below. Do NOT contact the Court, the Clerk's Office, counsel for
20 Defendant, or Defendant.

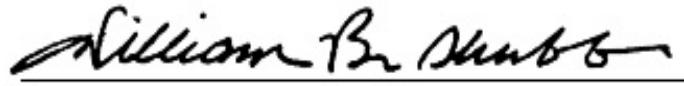
21 You do not need to take any action in response to this notice. Any class member wishing to
22 object to this motion for attorneys' fees and costs must submit a written objection in the manner
23 discussed in the next paragraph. You are a class member if (1) you were employed by the State of
24 California in a job classification assigned to State Bargaining Unit Nos. 1, 3, 4, 11, 14, 15, 17, 20, and
25 21 at any time between 1 April 1999, and 30 June 2000, and (2) at any time during that same period
26 you were a non-member of SEIU Local 1000, then also known as the California State Employees
27 Association ("CSEA").

28 If you are a class member and you wish to object to the fee Motion, you must send a signed

1 letter to Class Counsel, stating that you wish to object to the Motion for attorneys' fees and costs in
2 *Cummings v. Connell*, E.D. CAL. Case No. CIV-S-99-2176 WBS DAD, and must include your name,
3 address, telephone number, and the reasons for your objection. If you wish to appear and speak at the
4 Court hearing on the motion on November 27, 2006, you must state that in your objection letter, as
5 well. Any such objection letter must be postmarked no later than fourteen (14) days before the
6 hearing, and must be sent to the following address: W. James Young, Class Counsel, c/o National
7 Right to Work Legal Defense Foundation, Inc., 8001 Braddock Road, Suite 600, Springfield, Virginia
8 22160. Class Counsel will file your objection letter with the Court and send a copy to SEIU Local
9 1000's counsel. Any objection you have to the fee motion will be waived unless you raise it by the
10 time and in the manner stated in this paragraph.

11 As noted above, the Court will hold a hearing on the attorneys' fee Motion on Monday,
12 November 27, 2006. You do not need to appear at the hearing, but you are welcome to come at your
13 own expense. You will not be permitted to speak at the hearing in opposition to the fee motion unless
14 you have objected to the motion in writing and stated in your objection letter that you intend to appear
15 and speak at the hearing, as discussed above. The Court in charge of this case will decide whether
16 Plaintiffs' are entitled to an award of reasonable attorneys fees as well as the amount which is
17 reasonably incurred in prosecuting this civil action.

18 BY ORDER OF THE COURT:

19 
20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE

22 Dated: September 13, 2006

23 G:\DOCS\SHU\DSHU2\inBOX\Signed\Class Notice.wpd
24 Wednesday, 13 September 2006, 13:24:47 PM

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